

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

DETOREI CRAIN, §
§
Plaintiff, § § Civil Action No. 3:09-CV-2353-D
VS. §
§
CREDIT PROTECTION ASSOCIATION, §
et al., §
§
Defendants. §

ORDER

After making an independent review of the pleadings, files, and records in this case, and the August 30, 2010 findings, conclusions, and recommendation of the magistrate judge, the court concludes that the findings and conclusions are correct. It is therefore ordered that the August 30, 2010 findings, conclusions, and recommendation of the magistrate judge are adopted. Accordingly, Portfolio Recovery Associates, LLC's ("PRA's") August 5, 2010 motion to dismiss is granted.

No later than October 14, 2010, plaintiff must file an amended complaint that states a claim on which relief can be granted as to PRA. If he fails to amend, the court will dismiss his action as to PRA based on this order and without the necessity of an additional motion to dismiss. If he timely amends as to PRA, but he fails to state a claim on which relief can be granted, PRA may move anew to dismiss under Fed. R. Civ. P. 12(b)(6) or for other available relief.

SO ORDERED.

September 23, 2010.


SIDNEY A. FITZWATER
CHIEF JUDGE